

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor: Jun CHENG et al.

Art Unit 2617

Appln. No.: 10/591,951

Exr. F. Donado

Filed: September 8, 2006

Conf. No. 6878

For: SCHEDULING METHOD AND BASE STATION APPARATUS

RESPONSE UNDER 37 CFR § 1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated August 28, 2008, the Applicants hereby petition for a one-month extension of time and respectfully request reconsideration and allowance of this application in light of the following remarks.

Claims 1-6 stand rejected, under 35 USC §102(b), as being anticipated by Li et al. (US 2002/0119781). The Applicants respectfully traverse these rejections based on the points set forth below.

Claim 1 defines a method for scheduling subcarriers in an uplink multicarrier signal. According to this method, radio communication terminal apparatuses are selected in ascending order of calculated average reception quality, and subcarriers are assigned to the radio communication terminal apparatuses in descending order of their measured reception qualities. The claimed subject matter supports assigning subcarriers of higher reception quality to

communication terminals of lower reception quality. This provides an advantage of maintaining high uplink transmission rate in a cell and minimizing inter-cell interference (see specification page 10, line 22, through page 11, line 9). (References herein to the specification and drawings are for illustrative purposes only and are not intended to limit the scope of the invention to the referenced embodiments.)

Li discloses ordering estimated SINR values from largest to smallest and selecting subcarrier clusters with large SINR values (see Li ¶ [0054], lines 1-3). That is, Li suggests selecting subcarriers in descending order of reception quality.

Li does not disclose the subject matter of the claimed invention directed to assigning a subcarrier of higher reception quality to a communication terminal of lower reception quality. Furthermore, Li neither discloses nor suggests the above-noted feature of the claimed invention, namely, selecting communication terminal apparatuses in ascending order of reception quality and assigning subcarriers in descending order of reception quality.

Accordingly, the Applicants respectfully submit that Li does not anticipate the subject matter defined by claim 1.

Independent claims 3 and 5 similarly recite the above-mentioned subject matter distinguishing method claim 1 from Li, but with respect to apparatuses. Therefore, allowance of claims 1, 3, and 5 and all claims dependent therefrom is considered to be warranted.

In view of the above, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

If any issues remain which may best be resolved through a telephone communication, the Examiner is requested to telephone the undersigned at the local Washington, D.C. telephone number listed below.

Respectfully submitted,

/James Edward Ledbetter/

Date: December 29, 2008
JEL/DWW/att

James E. Ledbetter
Registration No. 28,732

Attorney Docket No. 009289-06192
Dickinson Wright PLLC
1875 Eye Street, NW, Suite 1200
Washington, DC 20006
Telephone: (202) 659-6966
Facsimile: (202) 659-1559